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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN POLNICKY,

Plaintiff,

VS.

LIBERTY LIFE ASSURANCE COMPANY  
OF BOSTON, WELLS FARGO &  
COMPANY LONG TERM DISABILITY  
PLAN

Defendant.

CASE NO: C 13-1478 SI

~~PROPOSED~~ JUDGMENT

Pursuant to the Findings of Fact and Conclusions of Law entered by this Court on November 25, 2014, judgment is hereby entered against Liberty Life Assurance Company of Boston and Wells Fargo & Company Long Term Disability Plan (“the Plan”) as follows:

1) Plaintiff is awarded back benefits in the amount of \$133,939.85. This amount represents disability benefits for the period May 28, 2012 to September 27, 2013 and interest thereon and also includes the offset for Plaintiff’s Social Security benefits for the same period of time and repayment of an overpayment to Liberty Life Assurance Company of Boston for Social Security benefits received retroactively for the period from September 28, 2011 to May 28, 2012;


2. Plaintiff is reinstated to the Plan and his claim is remanded to the Plan for consideration of additional benefits under applicable Plan criteria.

3) Plaintiff is permitted to make a Motion for Attorneys Fees under Local Rule 54-5.

Liberty is to make the above payments in accordance with Plaintiff's payment instructions within thirty (30) days after entry of this Judgment.

IT IS SO ORDERED.

12/29/14

  
The Honorable Susan Illston  
United States District Judge

*Approved as to Form:*

/S/ Pamela E. Cogan  
Pamela E. Cogan  
Attorneys for Defendants

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